IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

Crl.Rev.Pet.No. 630 of 1998

CC.466/1996 OF JUDL. MAGISTRATE OF FIRST CLASS COURT-II, TRIVANDRUM

REVN. PETITIONER:

SURENDRAN,
S/O. PADMANABHAN PANICKER,
ERATHUVILA VEEDU, NEAR KALADY JUNCTION,
THALIYAL WARD, IRANIMUTTAM VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.T.RAJESH
SRI.K.R.SUNIL
SRI.APU C.PAUL

RESPONDENTS:

1. **STATE OF KERALA,**
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. **SOMAN PILLAI, SECRETARY,**
V.S.S.C EMPLOYEES,
CO-OPERATIVE SOCIETY,
THIRUVANANTHAPURAM.

BY ADV. SRI.R.RAVINDRAN
PUBLIC PROSECUTOR SRI. C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 10/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO. 630 OF 1998

DATED THIS THE 10th June 2007

ORDER

The revision petitioner is the complainant in C.C.No.466/1996 in the file of the Judicial First Class Magistrate-II, Thiruvananthapuram with respect to the offence under Sections 406 and 408 I.P.C. The accused stands discharged on account of absence of the complainant. It is submitted that on account of the wrong noting of the posting date, the complainant could not appear before the court below on the particular day.

In the circumstances, the order of the court below is set aside. The court below is directed to permit the petitioner/complainant to further pursue the matter and dispose of the case on merits. The petitioner shall appear before the court below on 9-8-2007. The court below shall issue fresh summons to the accused/respondent. The Crl.revision petition is allowed.

K.R.UDAYABHANU, JUDGE

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K.R.UDAYABHANU, J

CRL.R.P.NO. 630 OF 1998

ORDER

10-7-2007